

JUL 29 2008

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DAVID A. DILLARD, )  
Petitioner, )  
v. )  
DIRECTOR GENE JOHNSON, et al., )  
Respondents. )  
Civil Action No. 7:08-cv-00416  
FINAL ORDER  
By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ADJUDGED AND ORDERED**

that the above referenced petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED** without prejudice for failure to exhaust state court remedies, and the case is hereby stricken from the active docket of the court.

The Clerk is directed to send a copy of this final order and the accompanying memorandum opinion to the petitioner.

ENTER: This 28<sup>th</sup> day of July, 2008.

*James C. Turk*  
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Senior United States District Judge